

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

TSURT, LLC and PEARL JAM, LLC,	)	CIVIL CASE NO.
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
VARIOUS JOHN DOES, JANE DOES, and ABC COMPANIES	)	<b>PLAINTIFFS' EMERGENCY EX PARTE MOTION FOR AN ORDER TO SHOW CAUSE ON MOTION FOR PRELIMINARY INJUNCTION WITH TEMPORARY RESTRAINING ORDER AND ORDER OF <u>SEIZURE</u></b>
	)	
Defendants.	)	
	)	
	)	
	)	
	)	

---

Plaintiffs are hereby moving *ex parte* for a Temporary Restraining Order, Order of Seizure and Preliminary Injunction against Defendants who are selling merchandise falsely bearing the trademark, logos and/or likenesses of the musical group known as Pearl Jam.

The Order sought by this Motion provides for a Temporary Restraining Order and Seizure Order. The Order, if signed by the Court, would provide, *inter alia*, that Defendants be restrained from manufacturing, distributing and selling their infringing and imitative PEARL JAM merchandise. Furthermore, the U.S. Marshal and/or other law enforcement authorities would be authorized and directed to seize and impound any and all infringing PEARL JAM merchandise that is sold within a four mile radius of PEARL JAM concerts on the present PEARL JAM concert tour.

Plaintiffs are moving *ex parte* because Defendants are parties who sell t-shirts and other merchandise outside of concert halls at which PEARL JAM will be performing. Said parties cannot be identified until they actually appear at said concerts. If Plaintiffs were to wait to

identify said parties and give them notice of this Motion, the concerts already would have occurred and said parties would have sold their infringing merchandise and traveled on to the next concert without Plaintiffs having had the opportunity to seize the infringing merchandise.

Plaintiffs are filing this Motion on the day of the first of two New York Pearl Jam concerts because Plaintiffs had obtained the same type of relief in the United States District Court for the Northern District of Illinois on August 23, 2024, Civil Action No. 1:24-cv-07541. Plaintiffs dismissed that case on September 2, 2024 because no infringers were served at the Pearl Jam concerts that occurred in Chicago, Illinois on August 29 and 31, 2024.

As mentioned in paragraph 28 of Christopher Siglin's declaration, infringement consistently occurs in New York, New York and the other Northeastern cities that remain on the Pearl Jam 2024 tour including infringement in New York, New York on the Pearl Jam 2022 tour.

This Motion is made upon the grounds set forth herein and in the Memorandum of Law, the Complaint and the Declarations of Kenneth A. Feinswog and Christopher Siglin submitted herewith.

Dated: September 2, 2024  
Culver City, CA

Respectfully Submitted,

BY: s/Kenneth A. Feinswog  
Kenneth A. Feinswog  
Attorney for Plaintiffs  
400 Corporate Pointe, Suite 300  
Culver City, CA 90230  
Telephone: (310) 846-5800  
Email: kfeinswog@gmail.com